

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.10902 of 2017

R.Jayaraj

.. Petitioner

Vs.

1 The Principal Secretary to Government
Revenue Department, Secretariat
Chennai-09

2 The District Collector
Thiruvallur District
Collectorate
Thiruvallur- 602 001.

3 The Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai - 05.

4 The Tahsildar
Ambattur Taluk
Office of Thasildar - Ambattur
Ambattur, Chennai - 53.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession of the lands comprised in S.No.320/2C, Padi Village, Ambattur Taluk, Thiruvallur District admeasuring an extent of 1 cent and consequently direct the respondents to consider the petitioner's representation dated 19.12.2011.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.M.K.Subramanian
Government Pleader

ORDER
(Order of the Court was made by M.Sundar,J.)

Mr.M.K.Subramanian, learned Government Pleader accepts notice on behalf of all the respondents.

2. The writ petitioner has filed this writ petition with a prayer to protect his possession of one cent of land in S.No.320/2C, Padi Village, Ambattur Taluk, Thiruvallur District. It is the admitted case of the writ petitioner that the land is public land and that it is a sarkar poramboke.

3. The writ petitioner submits that, earlier when an attempt was made by the State Highways Department to evict the writ petitioner by issue of notice, this Court was approached by way of W.P.No.18943 of 2013 and the same was disposed of by this Court, by order dated 14.11.2016 (along with writ petitions filed by similarly placed persons). In that order, this Court has held that the State Highways Department has no jurisdiction with regard to patta land. However, this Court also made it clear that if the lands are not patta lands, the respondent authorities are free to proceed with eviction in accordance with law.

4. It is also further submitted by the writ petitioner that there is some programme or order of the government, wherein and whereby there is provision for granting patta even for such encroachers (like the writ petitioner) in exchange for private land. In response to we calling upon the writ petitioner to take us through such government order if any, the writ petitioner is not able to place any such government order before us.

5. Faced with above situation, the writ petitioner now abridges the prayer in the writ petition and restricts the prayer to the extent that he will be satisfied if there is a direction to the respondents to dispose of his representation dated 19.12.2011, which is at page (1) of the typed set of papers.

6. We, therefore, direct the first respondent to dispose of the said representation dated 19.12.2011 made by the petitioner as expeditiously as possible and in any event within four weeks from the date of receipt of a copy of this order in a manner known to law.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Principal Secretary to Government
Revenue Department, Secretariat
Chennai-09
- 2 The District Collector
Thiruvallur District
Collectorate
Thiruvallur- 602 001.
- 3 The Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai - 05.
- 4 The Tahsildar
Ambattur Taluk
Office of Thasildar - Ambattur
Ambattur, Chennai - 53.

+1cc to Mr.B.Vijay, Advocate, S.R.No.26337

+1cc to the Government Pleader, S.R.No.26395

W.P.No.10902 of 2017

ssi(co)
rmp(11/05/17)

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